

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. FOSSELLA. Mr. Speaker, during rollcall No. 18, I was unavoidably detained. Had I been present, I would've voted "aye" on S. Con. Res. 7.

FREEDOMS IN PERU

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. GILMAN. Mr. Speaker, I introduced this resolution in the 105th Congress to express concern over interference with freedom of the press and the independence of judicial and electoral institutions in Peru. I am reintroducing this resolution today because my concerns have not been allayed.

I have been one of Peru's strongest supporters in Congress. Under President Alberto Fujimori's presidency, Peru has also become a good partner in the war against drugs. Now that coca prices in Peru have dropped to historically low levels, there is a real chance to help farmers grow legitimate crops. I have been pleased to encourage our European allies to join us in seizing this opportunity to promote meaningful alternative development in Peru.

Nonetheless, I am concerned that the independence of Peru's legislative, judicial and electoral branches is being increasingly compromised. We must, of course, continue to fully engage Peru in our important bilateral relationship, particularly in our shared fight against drugs and terrorism. However, despite these very positive aspects in our relationship, the United States should not be expected to turn a blind eye to interference with freedom of the press and the independence of judicial and electoral institutions in Peru.

The continuing actions taken by the government of Peru against Baruch Ivcher, the Israeli-born owner of television station Channel 2, have become emblematic of government interference with freedom of expression in Peru. It is chilling that these acts of blatant intimidation were precipitated by Channel 2's exposes of abuses—including alleged torture and murder—by Peru's intelligence service.

Recently, President Fujimori overruled his military-run Interior Ministry and publicly supported a decision to issue a new Peruvian passport to Mr. Ivcher. While the Peruvian government says this is a positive step, Mr. Ivcher and members of his immediate family are still being subjected to arbitrary criminal prosecutions. It is time for President Fujimori to exercise the decisive leadership that is his hallmark and properly resolve this very troubling case.

This resolution resolves that the erosion of the independence of judicial and electoral branches of Peru's government and the intimidation of journalists in Peru are matters for concern by the United States. It would be very

unfortunate if these trends were to undermine Peru's hard won stability and progress.

This resolution also calls for an independent investigation and report on threats to press freedom and judicial independence in Peru by the Inter-American Commission on Human Rights of the Organization of American States. I believe that it is most appropriate for the Inter-American community to look into these matters.

I am pleased that the distinguished ranking Democratic member of our Committee, the gentleman from Connecticut, SAM GEJDENSON, has joined me in co-sponsoring this resolution.

I am including for insertion at this point in the CONGRESSIONAL RECORD a recent opinion column by Mr. Baruch Ivcher published on February 4 in the New York Times and an editorial by The Washington Post published on the same day.

[From the New York Times, Feb. 4, 1999]

PERU'S ENDANGERED DISSIDENTS

(By Baruch Ivcher)

On July 13, 1997, the Government of Peru took my Peruvian citizenship away. Now it is asking Interpol to arrest me, my wife and my daughter. What was my crime? Believing in freedom of the press.

When Channel 2 in Lima, of which I was the majority shareholder, broadcast reports on the use of torture by the intelligence service, military involvement in drug trafficking and—this was the piece de resistance—the million-dollar income of the head of the intelligence service, the Government of President Alberto Fujimori apparently decided the station had to be silenced and I had to be punished.

I was a foreign-born Jew, and that seemed to be all the ammunition they needed. I was accused of treason and of selling Israeli arms to Ecuador when it was having border clashes with Peru. Within days, the Government "discovered" that my naturalization 13 years before had been a "fraud." It took my nationality, and with it all my rights in Channel 2 (now a reliable supporter of the regime).

I fled the country and have been sentenced to 12 years in prison in absentia. Peru has issued Interpol warrants for my arrest and—as if that weren't enough—the arrest of my wife and daughter, and the Government is now prosecuting my defense lawyers. The Government is deaf to appeals from Peru's Cardinal and groups like the Inter-American Human Rights Commission.

Why won't President Fujimori listen? Why has the persecution against me and others instead gotten worse?

It is possible that the military and the intelligence service have so much control now that Mr. Fujimori is hamstrung. But it is also true that Mr. Fujimori wants to be elected to an unconstitutional third term next year. When Peru's Constitutional Tribunal ruled in May 1997 that he could not run again, he had the judges who voted against him removed. To win that third term, Mr. Fujimori seems determined to blast away any obstacle.

One method is Government-orchestrated campaigns of harassment and intimidation, like the current one against Angel Paez, an investigative reporter. Jose Arrieta, who was head of Channel 2's investigative unit, suffered the same abuses and has been granted asylum in the United States. Vicious smears and even death threats are common weapons against such journalists.

A key tool Mr. Fujimori uses against his opponents is the intelligence service, which

was built up to combat terrorism. Wire-tapping of the President's critics is a specialty. Then there is the use of politically inspired prosecutions, like the trumped-up tax case against Delia Revoredo. She was dean of the Lima Bar Association and a member of the Constitutional Tribunal; her troubles began when she cast her vote there against a third term for Mr. Fujimori. She and her husband lived in exile for a year, until an arrest order against them was dropped. Bogus charges were about to be filed against Mr. Arrieta as well, and have been made in my case and others.

To get away with these types of things, the Government needs to control the entire judicial system. Today two-thirds of Peru's judges have only temporary status, meaning that they hold their positions at the pleasure of the Government and cannot act independently. In addition, the National Magistrates' Council, an autonomous body established in the Constitution to appoint and dismiss judges and prosecutors, has been largely gutted.

Mr. Fujimori is eliminating the checks and balances that make democracy possible. This is a disastrous course, for him and for Peru. Without the rule of law and freedom of expression, democracy in Peru will wither, foreign investors will be scared away, and instability will be guaranteed. True friends of Peru like the United States should be driving that message home to Mr. Fujimori during his visit to Washington this week.

[From the Washington Post, Feb. 4, 1999]

MORE THAN A BORDER TREATY

The presidents of Peru and Ecuador are in town to celebrate the signing of a border treaty that is a lot more than a border treaty. It enables them to ask Americans not just to recognize their diplomacy but also to invest in their growth and stability. The two countries need development as well as friendship. Settling what has been called the oldest and most contentious conflict in South America lets the peacemakers advertise themselves as serious modernizers. The new agreement was designed precisely as an instrument of modernization for both of them.

Border disputes come from more than the lapses of surveyors. This one came from historical and emotional roots deep enough to touch basic sources of identity as well as interest on both sides. The tenacity of nationalistic feelings made it risky but essential for Ecuador's president, Jamil Mahuad, and Peru's Alberto Fujimori to grasp the nettle. This is how an agreement came to be negotiated that marks a border and provides Ecuador a patch of Amazonian land to honor its soldier dead. The agreement also provides a plan to develop and integrate the two economies, especially in the impoverished border region. Initial funding is what the presidents seek in Washington.

For all their psycho-diplomatic exertions, Peru and Ecuador needed help from their friends, Argentina, Brazil, Chile and the United States. The four arbitrated the final settlement that the two had bound themselves to accept. Ecuador and Peru deserve congratulations. Mr. Fujimori could build on the spirit of the occasion by moving all the way to undo his manipulation of the powers of the state against television proprietor Baruch Ivcher, in a case with international resonance. The dispute on that "border" needs to be resolved, too.